

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

VS.

LONNIE EARL COVER,

Defendant.

2:12-cr-00277-APG-VCF

ORDER

Before the court is *United States of America v. Lonnie Earl Cover*, case no. 2:12-cr-00277-APG-

VCF.

On September 27, 2013, the court held a hearing to determine the competence of the defendant.

Based on the evaluation of Defendant Cover transmitted to the court by Warden L.R. Thomas, U. S. Department of Justice, Federal Bureau of Prisons, Metropolitan Detention Center, and the arguments of counsel, the court found that Defendant Cover was suffering from a mental Disease or defect rendering him mentally incompetent to the extent that he was unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. (#46). Pursuant to 18 U.S.C. § 4241(d), Defendant Cover was committed to the custody of the Attorney General for treatment in a suitable facility for a time not to exceed four (4) months to determine whether there is a substantial probability that, in the foreseeable future, he will attain the capacity to permit the trial of this case to go forward, and for additional time until his mental condition is so improved that the trial of this case can proceed, or the pending charges are disposed of according to law. *Id.*

The commitment was continued, as permitted by law, on January 24, 2014, and on April 8, 2014. At a status hearing held on June 10, 2014, counsel for the government and counsel for the defendant reported that it appears that: (1) Defendant Cover continues to suffer from a mental disease or defect

1 rendering him mentally incompetent to assist in his own defense, and (2) there is not a substantial
2 probability that in the foreseeable future he will attain the capacity to permit the trial to proceed.

3 On June 23, 2014, the court entered a minute order directing that Defendant Cover shall remain
4 in the custody of the Attorney General for treatment in a suitable facility and to allow further evaluations
5 and proceedings.

6 The court has received a letter from the U.S. Department of Justice, Federal Bureau of Prisons,
7 dated July 17, 2014, stating that Defendant Cover does not meet the statutory criteria for certification as
8 a sexually dangerous person pursuant to 18 U.S.C. § 4248, and that any risk that this inmate presents
9 would be more appropriately assessed and managed through an evaluation in accordance with 18 U.S.C.
10 § 4246.

11 In light of the foregoing, the court FINDS that defendant Lonnie Earl Cover continues to suffer
12 from a mental disease or defect rendering him mentally incompetent to assist in his own defense, and
13 that there is not a substantial probability that in the foreseeable future he will attain the capacity to
14 permit trial to proceed.

15 IT IS HEREBY ORDERED that in accordance with the final provision of 18 U.S.C. § 4241(d),
16 proceedings under 18 U.S.C. § 4246(a) shall commence if appropriate.

17 A further status conference concerning the 18 U.S.C. § 4246(a) proceedings is set for September
18 29, 2014 at 10:00 a.m. in Courtroom 3D.

19 Dated this 29th day of July, 2014.



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21 CAM FERENBACH
22 UNITED STATES MAGISTRATE JUDGE
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